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10/669,367

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EXAMINER

TANG, KAREN C

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/669,367	<b>Applicant(s)</b> HOSODA ET AL.	
	<b>Examiner</b> KAREN C. TANG	<b>Art Unit</b> 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/23/2009 has been entered.
- Claims 10-15 are presented for further examination.

### ***Response to Arguments***

Applicant's arguments filed 6/23/2009 have been fully considered but they are not persuasive.

Applicant argues that it would not be obvious for reference to disclose where “the means for determining a time zone location of the portable communication device relies on the updated time zone data held by the operating system”

Examiner disagrees.

Since the operating system in any computer system controls the execution of computer program and allocation of computing resources, specifically, in this case that the system is capable to determine the appropriate time zone data, thus the operating system must hold the time zone data i.e., computing resource and once the system update the time zone information, the operating system must hold the updated time zone data as well.

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***Claim Objections***

Claims 10-15 are objected to because of the following informalities: Claim 10 is objected because it uses acronyms in the claim language without initially providing the complete term. For example, Claim 10 recites the limitation “LAN” should be first introduced as “Local Area Network”

. Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Specifically, according to Page 6, Lines 19-30 of the applicant’s specification, the "means for steps" appear to be software steps without involving hardware structure. Thus, a system comprising purely software means and “a system” does not include or embody any functional hardware structure is considered as software per se.

Correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumino (US 2001/0027108) in view of Motomura (EP 1209863) in further view of Cannon et al hereinafter Cannon (US 6,959,192).

1. Referring to Claim 10, Sumino discloses a system comprising: means for determining a time zone location of the portable communication device based on an update time zone data held by an operating system of the portable communication device (portable telephone device is able to recognize the countries it is in, refer to 0008, and able to determine the corrected time zone location/countries in the same time differences, refer to 0009, based on the time zone location data hold in the device, refer to 0009 and 0032 and then the system update the corrected time in the system based on the time. Furthermore, in this case that the system is capable to determine the appropriate time zone data, thus the operating system must hold the time zone data i.e., computing resource and once the system update the time zone information, the operating system must hold the updated time zone data as well.); means for determining a country mode conforming to the wireless communication system of a country corresponding to the time zone location of the portable communication device (determined the frequency bands/mode use in the current country which the portable communication device located, refer to 0050-0051); means for displaying candidate countries on a display of the portable communication device for selection of one of the candidate countries as a present-location countries when plural countries

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are present in the time zone location of the portable communication device (refer to Fig 8A and 0062);

Although Sumino disclose the invention substantially as claimed, Sumino did not explicitly disclosing “system is a wireless LAN system”

Motomura, in an analogous art, discloses “system is a wireless LAN system (refer to 0005)”

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Sumino with Motomura, because Motomura’s teaching of “system is a wireless LAN system” would improve Sumino’s system by providing conveniences for user to automatically adjust the operating frequency every time the electronic apparatus crosses a border since different countries have different usable frequency bands.

Although Sumino and Motomura disclosed the invention substantially as claimed, Sumino and Motomura did not explicitly disclosing that “an operating system possessing time zone data that is updated to include an updated time zone for the operating system”.

Cannon, in an analogous art, discloses “an operating system possessing time zone data that is updated to include an updated time zone for the operating system (refer to Col 1, Lines 50-67)”

It would have been obvious for one of ordinary skill in the art at the time when the invention was mad to combine Sumino, Motomura and Cannon, because Cannon’s teaching of “an operating system possessing time zone data that is updated to include an updated time zone

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for the operating system” would improve Sumino’s system by automatically set the portable device the appropriate time zone data held by the operating system.

2. Referring to Claim 11, Sumino, Motomura and Cannon disclosed the system of claim 10, Sumino discloses determine the country code (determined the frequency bands/mode use in the current country which the portable communication device located, refer to 0050-0051); means for determined the country mode checks whether the present-location country employs a frequency hopping system or DS-SS system (system check whether or not the portable wireless device is conform with the current country’s DS-SS system: IS 95 employs the DS-SS system, refer to 0049-0051); and determines the country code for each of the FH and DS-SS systems (if the mode is not conform with the one that country currently employed, alter the code, refer to 0049-0051)

Although Sumino and Motomura disclose the invention substantially as claimed, Sumino and Motomura did not explicitly disclosing that “the present-location country employs DD-SS system or FH system”.

Cannon, in an analogous art, discloses” the present-location country employs FH system (refer to Col 4, Lines 50-67);”

It would have been obvious for one of ordinary skill in the art at the time when the invention was mad to combine Sumino, Motomura and Cannon, because Cannon’s teaching of “the present-location country employs a DD-SS system” would improve Sumino’s system by automatically set the portable device the appropriate time zone data held by the operating system.

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3. Referring to Claim 12, Sumino, Motomura and Cannon disclosed the system of claim 10, Sumino discloses wherein the portable communication device further comprises a time zone data table with time zone data stored therein and a country presetting table with country presetting data stored therein portable telephone device is able to recognize the countries it is in, refer to 0008, and able to determine the time zone location/countries in the same time differences, refer to 0009, based on the time zone location data hold in the device, refer to 0009 and 0032); wireless driver for setting the country mode (refer to 0050-0051) and a wireless hardware module for operating wireless driver (portable wireless apparatus has a hardware that operate the software module);

Although Sumino disclose the invention substantially as claimed, Sumino did not explicitly disclosing “wireless LAN system further comprises wireless LAN driver and a wireless LAN hardware module”

Motomura, in an analogous art, discloses “wherein the wireless LAN system further comprises a wireless LAN driver for setting the country mode and a wireless LAN hardware module for operating wireless LAN driver (software module for operating the country mode, and cellular phone for operating the software module, refer to 0039).”

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Sumino with Motomura because Motomura’s teaching of “wireless LAN system further comprises wireless LAN driver and a wireless LAN hardware module” would improve Sumino’s system by providing conveniences for user to automatically adjust the operating



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frequency every time the electronic apparatus crosses a border since different countries have different usable frequency bands.

4. Referring to Claim 13, Sumino, Motomura and Cannon disclosed disclosed the system of claim 12, Sumino discloses wherein the wireless driver includes a present country deciding part for deciding the present-location country based on the time zone data in the time zone data table (portable telephone device is able to recognize the countries it is in, refer to 0008, and able to determine the time zone location/countries in the same time differences, refer to 0009, based on the time zone location data hold in the device, refer to 0009 and 0032), a presetting part for reading and setting the country mode based on the present-location country decided by the present country deciding part (determined the frequency bands/mode use in the current country which the portable communication device located, refer to 0050-0051), and a device driver part for receiving adaptive command transmitted from the presetting part (set the setting for the phone, refer to Fig 8A).

Although Sumino disclose the invention substantially as claimed, Sumino did not explicitly disclosing “wireless LAN system further comprises wireless LAN driver”

Motomura, in an analogous art, disclosing “wherein the wireless LAN system further comprises a wireless LAN driver (software module for operating the country mode, and cellular phone for operating the software module, refer to 0039).”

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Sumino with Motomura, because Motomura’s teaching of “wireless LAN system further comprises wireless LAN driver” would improve Sumino’s system by providing

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conveniences for user to automatically adjust the operating frequency every time the electronic apparatus crosses a border since different countries have different usable frequency bands.

5. Referring to Claim 15, Sumino, Motomura and Cannon disclosed the system of claim 10, Sumino discloses wherein the portable communication is a personal computer (portable telephone apparatus, i.e., mobile phone, refer to 0006 and 0007).

Claims 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumino (US 2001/0027108) in view of Motomura (EP 1209863) in further view of Cannon et al hereinafter Cannon (US 6,959,192) with Chen et al hereinafter Chen (US 2003/0040321).

6. Referring to Claim 14, Sumino, Motomura and Cannon disclosed the system of claim 12, Sumino further discloses wherein the time zone data are stored with the time zone data table (portable telephone device is able to recognize the countries it is in, refer to 0008, and able to determine the time zone location/countries in the same time differences, refer to 0009, based on the time zone location data hold in the device, refer to 0009 and 0032);

Although Sumino disclose the invention substantially as claimed, Sumino did not explicitly disclosing “the time zone data are stored with a world map in the time zone data table”;

Motomura, in an analogous art, discloses “the time zone data are stored with a world map in the time zone data table (refer to 0038).”

Hence, providing feature discloses by Motomura, would be desired for a user to implements wireless data communication using Bluetooth with various other electronic apparatuses, and

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therefore, provides conveniences for user so that user doesn't have to adjust the operating frequency every time the electronic apparatus crosses a border although different countries have different usable frequency bands.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Sumino by including the feature provided by Motomura in order to expertize the process to find the country.

Although Sumino, Motomura and Cannon disclose the invention substantially as claimed, Sumino, Motomura and Cannon did not explicitly disclosing, "the time zone data is displayed on the display of the portable communication device in response to a request".

Chen, in an analogous art discloses "the time zone data is displayed on the display of the portable communication device in response to a request" ("display the time increase one hours from preset time", refer to 0020).

Hence, providing a time zone data table with time zone data stored therein disclosed by Chen, would be desired for user to incorporate in the wireless device since it would provide the convenient for user to adjust the time zone according to the local time to wherever the user is currently located.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the systems of Sumino, Motomura and Cannon by including the features which providing the time zone data in the device, therefore, the function of Chen would obviously provides the time zone in according to user's preference.

***Conclusion***

**Examiner's Notes:** Examiner has cited particular Cols and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-THR 8 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information

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for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Karen C Tang/

Examiner, Art Unit 2451